

Message Text

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22

ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 L-03 OES-06 DLOS-06 SAL-01 CG-00
CIAE-00 INR-07 NSAE-00 COME-00 DODE-00 DOTE-00 FMC-02
EPA-04 JUSE-00 SP-02 /051 R

DRAFTED BY EB/TCA/MA:RSFARON:EW
APPROVED BY EB/TCA/MA:RKBANK
EUR/EE:RAMOSHER
L/EB:JRCROOK
EUR/SE:JHMORTON

----- 054975

R 090204Z DEC 76
FM SECSTATE WASHDC
TO AMEMBASSY SOFIA
INFO AMEMBASSY ATHENS

UNCLAS STATE 299224

E.O. 11652: N/A

TAGS:EWWT, SENV, BU

SUBJECT:FINE OF VESSEL OWNED BY AMERICAN SHIPPING COMPANY

REF: SOFIA 2558

1. DEPARTMENT, AFTER REVIEWING REFTEL AND VERIFYING GREEK-FLAG REGISTRY OF VESSEL INVOLVED, BELIEVES THAT NOTE VERBALE FROM MFA HAD BEEN MISDIRECTED TO AMEMBASSY. IT SHOULD HAVE BEEN DIRECTED BY MFA TO GREEK AUTHORITIES. UNDER INTERNATIONAL LAW, ANY INTERNATIONAL RESPONSIBILITY FOR VESSELS' OIL SPILLS LIES WITH AUTHORITIES OF STATE WHERE VESSEL IS REGISTERED REGARDLESS OF VESSEL OWNERSHIP. THUS, UNDER ARTICLE 5 OF THE 1958 CONVENTION ON THE HIGH SEAS (TO WHICH BOTH THE U.S. AND BULGARIA ARE PARTIES), IT IS THE DUTY OF THE FLAG STATE TO ASSUME EFFECTIVE JURISDICTION AND CONTROL REGARDING SHIPS FLYING ITS FLAG.

2. EMBASSY INSTRUCTED TO RESPOND TO MFA VIA NOTE VERBALE STATING THAT UNDER INTERNATIONAL LAW, ANY INTERNATIONAL UNCLASSIFIED

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RESPONSIBILITY FOR VESSELS' OIL SPILLS LIES WITH AUTHORI-

TIES OF STATE WHERE VESSEL IS REGISTERED REGARDLESS OF
VESSEL OWNERSHIP. WHILE USG REGRETS ACT OF POLLUTION,
IT CANNOT ASSUME ANY OBLIGATION TO ASSIST GOB IN COLLECT-
ING A PENALTY LEVIED AGAINST A GREEK-FLAG VESSEL, SINCE

U.S. DOES NOT EXERCISE JURISDICTION OVER THE SHIP IN
QUESTION. ACCORDINGLY, USG IS NOT ABLE TO COMPLY WITH
THE GOB'S REQUEST. ROBINSON

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To: SOFIA
Type: TE
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